

12 MAR 2008

11 March 2008

## By Fax & Post

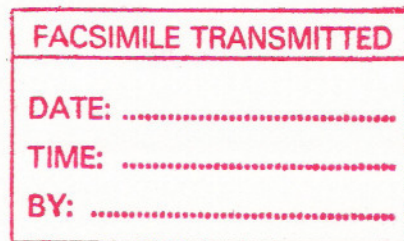
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Your reference: PE:NM:CLL108086  
Our reference: 12352/14145/80070709

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Dear Mr Earl

### Geraldine Fooi Fong Robertson

We refer to your facsimile of 4 March 2008 and respond to the issues raised as follow.

#### 1. Charges/Evidence

As detailed in our facsimile dated 11 February 2008 to your client's former solicitors, Robertson O'Gorman Solicitors, our client continues to investigate this matter and has not yet formed a view on any charges that may be laid against your client. You will be notified before any charges are laid against your client (in the event that this occurs). As this matter remains an investigation at this stage, our client does not presently intend to give you access to the investigation records (including the photographs and video footage referred to in your facsimile). In the event that charges are issued against your client, the requirements under the *Justices Act 1886* (Qld) relating to disclosure (and otherwise) are noted and will be complied with.

#### 2. Documents seized pursuant to warrant executed on 22 February 2008 (the "Warrant")

We note your client's claim of legal professional privilege in respect of certain files held on her personal computer. Please advise whether you would prefer:

- (a) to be present with ourselves and our information technology expert while the files on the computer are examined so that you can identify any files the subject of a privilege claim; or
- (b) to be provided with a list of files contained on the hard drive of your client's computer so that you can identify the files the subject of your client's claim for legal professional privilege.

We confirm that neither ourselves or our client will have any further dealings with your client's computer until this issue is resolved.

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In respect of the remainder of the documents seized from your client's property on 22 February 2008:

- (a) our client is currently arranging for all of the documents seized by it to be photocopied and will provide these copies to you as soon as possible; and
- (b) our client will, as a matter of urgency, provide you with a copy of your client's "day a month calendar". To assist in this regard, can you please identify what this document looks like and confirm we are we correct in assuming it is not an electronic document?

We note that we do not agree with your interpretation of the terms of the Warrant. However, this will not become a relevant issue unless charges are issued against your client so we will refrain from addressing it now. However, we place on record what we take issue with your interpretation of the terms of the Warrant.

We confirm that our client will return to your client all original documents that are identified as having no relevance to the boarding, management, maintenance and/or care of animals boarding or living at your client's property or having previously been boarding or living at your client's property until seized by our client on 9 January 2008. Our client continues to examine the material seized pursuant to the Warrant and we will revert to you in this regard shortly.

If your client can identify historical records or other documents not relevant to our client's investigation, we would appreciate you providing us with a list in this regard. We will then arrange for our client to examine these documents as a matter of urgency. Then, if they are not relevant to our client's investigation, they will be promptly returned to your client.

3. **Seizure of Animal on 22 February 2008**

We note your comments in respect of the animal seized from your client's property on 22 February 2008. As you will appreciate, the seizure of this animal is a separate issue to the animals seized on 9 January 2008. Accordingly, our client will follow the appropriate procedures pursuant to the *Animal Care and Protection Act 2001 (Qld)* in respect of the seizure of this animal.

4. **Animals seized on 9 January 2008**

Our client confirms that it will continue to hold all animals seized from your client's property on 9 January 2008 until your client's Review Application has been dealt with. However, we note the following:

- (a) Due to medical conditions, certain animals have been destroyed since being seized from your client. We are currently seeking our client's instructions as to the identity of these animals and the relevant medical conditions. We will update you further in this regard shortly.
- (b) Certain of the animals have been placed in foster homes while your client's Review Application is being dealt with. This is because our client's resources do not stretch to the maintenance of all the animals at its premises. Our client assures you that these animals are in temporary foster homes and have not been re-homed.

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- (c) We confirm that our client has clipped all animals that required clipping for health reasons.
- (d) We refer you to our comments above regarding evidence in respect of your request for documents.

5. **Costs**

We confirm that:

- (a) our client is currently incurring daily costs in caring for the animals seized on 9 January 2008; and
- (b) our client is taking all reasonable steps to mitigate its losses here (such as placing some of the animals in foster care).

We refer to our facsimile dated 27 February 2008 and note your client is yet to provide a response to us in respect of the animals she does not seek be returned to her. In order that our client can minimise its losses here, please promptly identify these animals.

On a separate issue, we again note that we have previously pointed out the relevant issues relating to access to the animals and remain waiting for your client's request for access.

We look forward to hearing from you in respect of the above.

Yours faithfully



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